

## **Chapter 14      Employment Opportunity District**

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### **11-14-1: Purpose**

The purpose of the Employment Opportunity District (EO) is to:

- A. Facilitate entitlements for the development of projects aligned with City Council adopted plans and policies, particularly those projects that attract industries providing significant employment opportunity;
- B. Accommodate large-scale, unified and planned employment developments that encourage and promote innovative and sustainable land uses;
- C. Allow flexibility that accommodates market changes while providing incentives for high quality development that is consistent with the goals of both the Mesa General Plan and any applicable sub-area plans;
- D. Establish planning and development criteria tailored to the opportunities and constraints of the property; and
- E. Encourage creative and high quality design, and establish standards leading to an efficient, aesthetic, sustainable, and desirable development.

### **11-14-2 Applicability and Authority**

- A. **Applicability:** An EO District shall only be established for an area when the City Council finds that the property meets the following requirements:
  - 1. General Plan. EO Districts may be established within areas designated Employment and/or Employment Mixed Use Activity District in the Mesa General Plan.
  - 2. Minimum Area. The minimum area required for an EO District is 160 contiguous acres.
- B. **Designation of Employment Opportunity District, Status of Existing Zoning District, and Optional Use of Floating Zone.**

City Council may approve the EO District in conformance with all requirements of this Chapter. The Council's approval shall either:

  - 1. Apply immediately as the zoning district on a property; or
  - 2. Retain the existing (non-EO) district as the active zoning district until such time as a property owner chooses to opt-in to the EO District (Sec 11-14-2.C). All requirements of the existing,

non-EO zoning district remain in effect until a property owner elects to Opt-in to the EO zoning district. This second option shall also be known, and referred to, as a Floating Zone.

**C. Opt-In Procedures.**

1. When an EO District is adopted by City Council as a floating zone, a property owner may opt-in to the EO District and EO Development Plan by signing before a notary public an “Employment Opportunity Development Plan Opt-In” form prepared by the Zoning Administrator and approved by the City Attorney’s Office.
2. Such form shall state, at minimum that:
  - a. The EO District standards are in effect for the identified parcels(s) as of the signature date of the Opt-In Form,
  - b. The requirements of the previous zoning district are no longer applicable for that site, and
  - c. Any future development shall conform with the standards of the applicable EO Development Plan.
3. Once an Opt-in Form is signed and notarized, in no case may any subsequent development on the site be based upon the standards of the existing, non-EO zoning district, nor may the site be developed using a mixed set of standards of both the former, non-EO zone and the EO Development Plan at the same time.
4. Once signed, the City shall maintain an official record of the agreement in the files of Planning Division Office, and shall update the Official Zoning Map of the City (Section 11-3-2) to reflect the agreed change to the zoning district.

**D. Other Agreements.** If the Zoning Administrator, in consultation with the City Attorney’s Office, determines there is a conflict between the requirements of the adopted EO district, EO Development Plan, and applicable standards adopted by City Council as part of any other agreement, the more restrictive requirements shall apply.

### **11-14-3 Effect on Existing Development and Land Uses Before and After Opt-in to EO**

- A. Compliance with Existing Zoning Until Opt-in.** When an EO District is approved as a floating zone, until a property owner opts-in pursuant to the Opt-In Procedure described in Section 11-14-2.C above, requirements for the development and use of the property shall remain in compliance with the existing, non-EO zoning district.
- B. Existing Conditions at Time of Rezoning.** If there is existing development or land uses on the property, once the property owner opts-in to the EO District, then the following rules shall apply:
1. Compliance with EO Development Plan. Existing development and land uses that comply with all applicable requirements of the EO Development Plan may continue to operate. Any alterations, additions or replacements shall comply with the requirements of the applicable EO Development Plan.
  2. Non-compliance with EO Development Plan. Any existing development or land use that was lawfully built in conformance with Zoning Ordinance requirements that does not comply with the requirements of the applicable EO Development Plan shall be considered legal, but non-conforming, and may continue to operate in compliance with the City’s regulations for non-

conformities to this Zoning Ordinance (Chapter 36 – Nonconforming Uses, Structures, and Lots).

### 11-14-3 Land Use Regulations and Development Standards

- A. Zoning.** Once the EO District becomes effective on a property (either directly by City Council action, or through the opt-in process described in Section 11-14-2), the EO District and adopted EO Development Plan are the zoning for the property. The adopted EO Development Plan is the principal reference for implementation and review of future development within the boundary of the overall site. All development that takes place within the boundaries of a EO District shall be governed by and built in accordance with the adopted EO Development Plan and approved amendments.
- B. Permitted Uses.** The permitted, conditional and prohibited land uses for an EO District shall be listed in, and established by, an adopted EO Development Plan. Permitted land uses may be based in whole or in part on existing base Zoning Districts, or may create a new list of uses based on the land use classification descriptions referenced in Chapter 86 of this Zoning Ordinance. The EO Development Plan may establish any land use classification as a conditional use that requires review and approval of a Council Use Permit, a Special Use Permit, or an Administrative Use Permit in accordance with Chapter 70 of this Zoning Ordinance. Land use classifications not listed in the EO Development Plan shall be considered prohibited.
- C. Development Standards.** The EO Development Plan shall specify General Development Standards, as defined in Chapter 87, for the EO District.
1. Application of the General Development Standards. General Development Standards, including those amended by the EO Development Plan, shall apply to all development in the EO District.
  2. Zoning Ordinance Standards as Default Standards. Any General Development Standards not specified within the adopted EO Development Plan shall conform with the standards set forth in the Zoning Ordinance. A default standard base zoning district shall be selected as part of the EO Development Plan.
  3. Adjustments to General Development Standards. The Zoning Administrator may grant minor adjustments to applicable General Development Standards when applied to specific development projects or sites. Such adjustments may be approved on an administrative basis when the adjustment is less than 20 percent of the required number, dimension or measurement. Adjustments greater than 20 percent shall be considered as major adjustments, and shall be reviewed as per Chapter 67 of this Zoning Ordinance.
  4. Criteria for Minor Adjustments. The Zoning Administrator shall use, at a minimum, the following criteria when evaluating all requests for minor adjustments to General Development Standards:
    - a. The minor adjustment is consistent with the application of design requirements designated in the EO Development Plan; and
    - b. The minor adjustment is consistent with the implementation of the EO Development Plan; and

- c. The minor adjustment will result in a project design that meets or exceeds the design goals and guidelines as expressed by the EO Development Plan; and
- d. The minor adjustment results in a building of superior architectural design, as determined by building form and massing, use of materials and colors, relationship of the development project to the project context, and relationship of the building to the building site; and
- e. The minor adjustment is in accordance with the Mesa Building Code (Title 4 of the Mesa City Code), adopted Engineering Division requirements, and associated requirements of the City of Mesa, as may be applicable.

## **11-14-5 Application Requirements**

- A. Pre-Submittal Conference.** A pre-submittal conference that includes the City Planning Director, or their designee(s), is required prior to submittal of an application for EO District zoning. The applicant shall provide a description of the boundary of the proposed EO District, project narrative with proposed Land Use Groups, and proposed General Development Standards.
- B. Application and Submittal Requirements.** In addition to the requirements for rezoning amendments as described in Chapter 76 of this Title, each application for the EO District shall be accompanied by the following information. Submittals that fail to include all of the items listed in the below subsections shall be considered incomplete and will not be scheduled for consideration.
  - 1. Completion of an application form and payment of required fees.
  - 2. A map showing the ownership of the property within the proposed EO District, as listed in the records of the Maricopa County Assessor's Office .
  - 3. A general description of the proposed EO District boundary including bordering streets or canals.
  - 4. A project narrative describing and explaining how the proposed EO District and associated EO Development Plan comply with the purpose, intent, and requirements of both the Mesa General Plan and the EO District. This narrative shall be separate from the EO Development Plan.
  - 5. An EO Development Plan, which shall include all the minimum required elements listed in Section 11-14-6.
- C. Evaluation.** The Planning & Zoning Board and City Council shall consider, at a minimum, the following goals and objectives when evaluating a proposed EO Development Plan. The proposed EO Development Plan shall:
  - 1. Conform to applicable policies, land use map designations, and land use definitions of the Mesa General Plan, any sub-area plans, and/or strategic plans and policies of the City Council;
  - 2. Conform to the purpose of the EO District as listed in Section 11-14-1;
  - 3. Provide a combination of land uses that are designed to be integrated with other land uses in the immediately surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, transit routes and utilities;
  - 4. Promote development that creates concentrated areas of employment; and
  - 5. Provide a level of detail adequately describing high quality development and design themes that will implement the built environment described by the EO Development Plan.

- D. Conditions.** In adopting an application for a EO District, the City Council may place conditions on its approval, and the approval of the associated EO Development Plan. Such conditions of approval may include, but are not limited to:
1. Conditions to ensure implementation of the EO Development Plan in accordance with the Mesa General Plan, and other applicable plans and policies adopted by the City;
  2. Conditions to achieve the purpose described in Section 11-14-1 of this Ordinance; and,
  3. Conditions requiring additional or different approval processes for site plans within the EO District.

## **11-14-6 EO Development Plan Requirements**

**Contents.** An EO Development Plan shall be submitted concurrently with the application for the EO District, and shall include, at a minimum, the following:

- A. An EO Development Plan Map.** A map, which may consist of multiple sheets, drawn to a suitable scale, which includes the following elements:
1. The boundary of the proposed EO District.
  2. The approximate location of proposed freeways, parkways, arterial and other streets, and other transportation facilities which provide connectivity to surrounding development.
  3. A EO Development Plan may consist of one or multiple Land Use Groups (LUGs). The EO Development Plan Map shall include approximate locations of differing Land Use Groups, if used.
- B. Development Goals.** The EO Development Plan shall contain a list of goals and objectives, and narrative explanation of these goals, that are to be accomplished through adoption and implementation of the Plan. This description may include graphic and photographic examples, and shall include descriptions of the anticipated types of development envisioned for the property that will meet the intent of this zoning district and associated economic development benefits.
- C. Land Use Regulations.** The EO Development Plan shall contain permitted, conditional and prohibited land uses, as described in 11-14-4. Land use activities may also be organized by Land Use Groups (LUGs), which may permit land uses in one LUG that may differ from a separately designated LUG, and must be described in the EO Development Plan. Such LUGs may be based in whole or in part on existing Mesa Base Zoning Districts, or may be new categories expressly created by a specific EO Development Plan. In addition to listing all permitted uses in the LUGs, the EO Development Plan shall have a narrative describing the intent and purpose for each separately designated LUG.
- D. Development Standards.** The EO Development Plan shall address requirements listed as General Development Standards, as defined in Chapter 87 of this Zoning Ordinance. General Development Standards can be based on existing Mesa Base Zoning Districts, or may have adjustments to those standards and shall be described in the EO Development Plan. Those not listed in the EO Development Plan shall default to development standard requirements as listed in this Zoning Ordinance. A default standard base zoning district from Article 3 of this Ordinance shall be identified in the EO Development Plan. When LUGs are used, a separate default standard base zoning district shall be identified for each LUG described.

- E. Design Guidelines.** The EO Development Plan shall contain Design Guidelines for the development of the property. The guidelines will include the following items as applicable:
1. Broadly based design or architectural themes and concepts, sufficient to convey an idea and general pattern of development.
  2. Written guidelines and illustrations of proposed architectural, urban design, streetscape, and landscape concepts, thematic design elements such as architectural materials, building colors and landscape plants;
  3. Any proposed variation from Chapter 30, General Site Development Standards;
  4. The goals and guidelines described may be in narrative and/or graphic formats.
- F. Permanent Sign Regulations.** An EO Development Plan shall specify permanent sign requirements, using one or a combination of the following:
1. Providing sign allowances for LUGs by citing requirements of identified default base zoning districts, or by citing sections of the Mesa Sign Ordinance; or
  2. Identifying specific sign allowances for permanent signs that differ from standard allowances for identified base zoning districts; or
  3. Specifying that a Comprehensive Sign Plan shall be required for developments governed by that specific EO Development Plan. The requirement for a Comprehensive Sign Plan may apply to all development sites governed by the EO Development Plan, or may be limited to a few selected development sites.
- G. Site Specific Requirements Based on the Location.** An EO Development Plan will include any measures necessary to address compatibility with surrounding properties and provide for appropriate transitions.

#### **11-14-7 Site Plan Review**

- A. Site Plan Approval Required.** All development within a EO District shall require an approved site plan. No building permit shall be issued for such sites until there is an approved site plan.
- B. Pre-Submittal Conference.** A Pre-Submittal Conference with the City Planning Director and City Engineer, or their designee(s), is required prior to submittal of a site plan application.
- C. Site Plan Review.** All site plans shall be reviewed and approved by the Planning Director and/or designee(s), through the administrative process unless a site within the EO Development Plan area is otherwise designated for review by public hearing by the adopted EO Development Plan.
- D. Review and Conditions.** Site plans shall be reviewed for consistency with the requirements of the EO District and the approved EO Development Plan. Conditions may be imposed on the approval of any site plan as may be deemed necessary by the Planning Director to ensure that the site is designed in a way to facilitate compatibility with adjacent property, and to ensure that the development will be built in accordance with the approved EO Development Plan. The EO Development Plan may establish additional criteria for such conditions. Consistent with this Chapter and any additional criteria established in the EO Development Plan, such conditions may include:
1. Revised building setbacks;

2. Revised landscaping;
3. Revised on-site parking and loading spaces;
4. Height and area limitations on structures;
5. Limited vehicular access;
6. Placement and/or installation of walls, fences and screening devices;
7. Installation of noise attenuating devices or construction;
8. Off-site improvements in public rights-of-way adjacent to the subject property; and
9. Placement of all detached signs.

**E. Required Information.** All applications for Site Plan Review for development within an approved EO District shall include:

1. Identification of the proposed range of land use classifications, or, when used, the LUG specified for the development site by the EO Development Plan;
2. Drawings (drawn to scale), including a site plan, landscape plan, and building elevations;
3. Other supporting materials and documents, as determined by the EO Development Plan.
4. Additional materials and plans as may be requested by the Planning Director to determine full compliance with the EO Development Plan, and compatibility of the project to neighboring development.

**F. Land Use Boundaries Set by Site Plan Review.** When distinct, multiple Land Use Groups (LUGs) are used in an EO Development Plan, the site plan approved for a specific location or land parcel will set boundaries and shall designate which LUG applies. All future use and development of that site shall conform to the requirements of that specified LUG unless a different LUG is otherwise approved by the Planning Director as a part of a subsequent Site Plan Review application.

## **11-14-8 Expiration and Renewal of Site Plan Reviews**

- A. Expiration.** The approval of a site plan located within an adopted EO District shall expire 2 years following the date of the approval, unless a building permit has been issued and construction diligently pursued.
- B. Extension.** Site plan approval may be extended once for a period of not more than an additional two years by the Planning Director. Application for an extension shall be made in writing not more than 60 days before and not more than 30 days after the expiration of the original approval. The Planning Director may extend a site plan approval if the site plan and any minor revisions approved since the initial adoption of the Site Plan Review remain consistent with the purpose and intent of this Chapter, and the applicable EO Development Plan.
- C. New Application.** If the approval of a site plan expires and an extension to the approval is not, or cannot, be granted, a new application for Site Plan Review shall be required.

## **11-14-9 Amendments to an Approved EO District**

- A. Major Amendments.** The Planning Director shall determine if the proposed amendment constitutes a major or minor amendment. If the Planning Director determines an amendment to be major, the amendment request shall be processed as an amendment to the EO District and EO Development Plan, which shall require review and approval by the Planning and Zoning Board and City Council in accordance with the requirements of Chapter 67 of this Zoning Ordinance.

An amendment will be deemed major if it involves a change or modification to any one of the following:

1. The overall EO District boundary.
2. The permitted uses in the EO District as listed in the EO Development Plan.
3. The General Development Standards.
4. The EO Development Plan that substantively alters one or more components or required elements of the EO District or EO Development Plan as determined by the Planning Director.

- B. Minor Amendments.** Amendments not meeting the criteria listed in subsection A, Above, shall be considered minor. If the Planning Director determines the amendment to be minor, the Planning Director may administratively act on the amendment and attach stipulations or conditions of approval thereto.

## **11-14-10 Administrative Actions and Appeals**

- A. Administrative Actions.** The following requests shall be reviewed on an administrative basis, including:

1. Site Plan Reviews;
2. Site Plan Modifications;
3. Minor Adjustments to General Development Standards; and
4. Minor Amendments to the EO Development Plan.

- B. Notice of Administrative Action Requests.** Letters delivered by first-class mail shall be sent to owners of those properties located within 750-feet of the exterior boundaries of the property that is the subject of the administrative action. Such letters shall be mailed a maximum of 5-working days after the application for Administrative Action is received. The notice letter shall:

1. Provide a brief narrative summary of the requested action,
2. Provide copies of any graphic plans and drawings submitted by the applicant in support of the requested action.
3. Provide the following information in order that the letter recipient may communicate with either the applicant or the Mesa Planning Division staff planner assigned to manage the request:
  - a. telephone numbers;
  - b. e-mail addresses; and
  - c. street addresses.
4. Provide an explanation that the intended recipient of the letter, or their assigned representative, may:
  - a. Express interest in, and be notified of, the decision made on request;
  - b. Provide comments expressing support or concern regarding the request, and list the basis for the support or concern.
5. Specify a scheduled deadline for the intended recipient of the letter, or their selected representative, to file an expression of interest in the request.

- C. Administrative Decision Process.** The Planning Director and/or Zoning Administrator, as applicable, shall review the application and make a decision, which may include conditions of approval. Notice of the decision shall be sent to the applicant and those owners of properties



within 750-feet of the exterior boundaries of the application site that have expressed written interest in being notified of the decision by the filing date described in sub-section B, above. Included with the decision notice, there shall be a statement of the ability to file an appeal of the decision, a description of the appeal process, and a deadline by which to file an appeal. The appeal deadline shall be set 15-calendar days from the date the decision notice is sent. In the event the 15-day appeal deadline falls on a weekend of recognized public holiday, the deadline shall be set as the next working day following the weekend or public holiday.

- D. Planning and Zoning Board Appeals.** An action or decision by the Planning Director on minor amendments, site plan reviews, or site plan modifications may be appealed by the applicant, or by an owner of property located within 750 feet of the area affected by the minor amendment and/or site plan. The appeal shall be filed within 15 calendar days from the date of the Planning Director's decision, and shall be heard by the Planning and Zoning Board.
- E. Board of Adjustment Appeals.** An action or decision by the Zoning Administrator on minor adjustments to General Development Standards may be appealed by the applicant, or by an owner of property located within 750 feet of the area affected by the minor adjustment. The appeal shall be filed within 15 calendar days from the date of the Zoning Administrator's decision, and shall be heard by the Board of Adjustment.
- F. Evaluation of Administrative Action Appeals.** Appeals of Administrative Action decisions shall be evaluated based on the same criteria used by the Planning Director or Zoning Administrator when making the decision that is the subject of the appeal.
- G. Notice of Appeals.**

  - 1. Notice of any appeal shall be sent to the property owner of the project, and any property owner filing the appeal.
  - 2. Notice of appeals to the Planning and Zoning Board shall be in the same manner as described in Section 11-67-5.A.
  - 3. Notice of appeals to the Board of Adjustment shall be in the same manner as described in Section 11-67-5.B.
- H. Further Appeals.** Any further appeals of the decision of the Planning and Zoning Board, and/or Board of Adjustment shall be in accordance with Section 11-67-12 and Chapter 77 of this Ordinance.